

**CITY COUNCIL OF MONTEREY PARK  
AND THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY  
OF THE FORMER MONTEREY PARK REDEVELOPMENT AGENCY  
AGENDA**

**SPECIAL MEETING**

**Wednesday  
February 17, 2016  
6:00 P.M.**

**MONTEREY PARK CITY HALL, ROOM 266**

**320 W. Newmark Avenue, Monterey Park, CA 91754**

**MISSION STATEMENT**

**The mission of the City of Monterey Park is to provide excellent services  
to enhance the quality of life for our entire community.**

Communication by the Public is an important part of the Local Government Process. Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the City Council/Agency Board less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at [www.montereypark.ca.gov](http://www.montereypark.ca.gov). Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Office of the City Clerk and are available for public inspection during regular business hours.

**PUBLIC COMMENTS ON AGENDA ITEMS**

For members of the public wishing to address the City Council regarding any item on this Agenda including the Consent Calendar or Oral Communications, please fill out a speaker card and return it to the City Clerk before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Mayor, as confirmed by the City Council may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the City Clerk's Office twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

PLEASE NOTE that this Agenda includes items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, and the Successor Housing Agency which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

**CALL TO ORDER    Mayor**

**ROLL CALL            Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang, and Teresa Real Sebastian**

**AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS**

**ORAL AND WRITTEN COMMUNICATIONS**

Items on the Consent Calendar are considered to be routine, ongoing business and will be enacted by one motion. There is no separate discussion on consent items unless a Council Member/Agency Member or citizen so requests, in which event the item is removed from the Consent Calendar and considered separately. The City Clerk will not accept cards after the item has been taken up.

## **NEW BUSINESS**

### **1. REQUEST FOR THE CITY COUNCIL TO MAKE AN APPOINTMENT TO THE PERSONNEL BOARD**

It is recommended that the City Council:

- (1) Interview and consider appointing one community member to serve on the Personnel Board
- (2) Taking such additional, related, action that may be desirable.

## **CLOSED SESSION**

### **2. CONFERENCE LEGAL COUNSEL, EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9 (d) - 1 CASE - Number of Cases: 2**

The Estate of Wen Zhao Ruan v. City of Monterey Park LASC Case Number: BC555006

Kenneth Thai v. Cities of Alhambra and Monterey Park (May 14, 2014) LASC Case No. BC565253

## **ADJOURN**



# City Council Staff Report

**DATE:** February 17, 2016

**TO:** The Honorable Mayor and City Council  
**FROM:** Tom Cody, Director of Human Resources and Risk Management  
**SUBJECT:** REQUEST FOR THE CITY COUNCIL TO MAKE AN APPOINTMENT TO THE PERSONNEL BOARD

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Interview and consider appointing one community member to serve on the Personnel Board.
2. Take such additional, related, action that may be desirable.

## **EXECUTIVE SUMMARY:**

There is currently one vacancy on the Personnel Board. Staff began advertising the open seat to residents of Monterey Park on October 8, 2015. To date, the City has received one application. Staff is recommending that the City Council interview and consider filling the vacant position with the resident that has submitted for civic service, Ms. Sheila Perez Zucman.

Ms. Perez Zucman has fulfilled the requirement of the City of Monterey Park Administrative Policy 10-05, Commission Structure and Appointment Procedures. These requirements include an orientation with either the Chairperson or assigned City staff member assigned to the Board and interaction with the board being sought prior to being considered for appointment including attending a minimum of one full meeting of the board appointment being sought. Ms. Perez Zucman attended the January 13, 2016 Personnel Board meeting and introduced herself to the board and subsequently the Chairperson directed staff to forward her name to the City Council for consideration.

## **BACKGROUND:**

The functions of the Personnel Board include responsibility for review of recruitment and selection procedures, hearing appeals of employee discipline and making recommendations regarding the Personnel System Rules & Regulations.

Pursuant to MPMC § 2.28.050, this five member Board consists of one member nominated by personnel from the Fire and Police Departments, one member nominated by the Miscellaneous Employees of the City, two members from the community at large

and one member nominated by the majority of the Personnel Board members. Specifically, MPMC § 2.28.050 states:

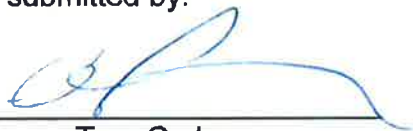
**2.28.050 Personnel board – Appointment**

(a) The city council shall appoint the members of the personnel board in the following manner: One member from a list of three persons nominated by the personnel of the Monterey Park fire and police departments, one member from a list of three persons nominated by the remaining employees of the city, two members from the community at large, *and one member from a list of three persons nominated by a majority of the four previously appointed members.* A majority vote of the city council shall be required to appoint a member of the personnel board. [Emphasis added]

(b) Nominations as required in subsection (a) of this section shall be made to the council within thirty days following notification by the council that such nominations are required. In the event nominations are not received within the thirty-day period, the council may proceed to fill the vacancies by appointment from the community at large. (Ord. 1888 § 2, 1995: prior code § 2201.3)

Per Monterey Park Municipal Code 2.28.050 the current vacant seat is a “community at large” appointment for the City Council to make.

Respectfully submitted by:



Tom Cody  
Director of Human Resources  
and Risk Management

Approved by:



Paul L. Talbot  
City Manager

Reviewed by:



Karl H. Berger  
Assistant City Attorney

**ATTACHMENTS:**

1. Application for Civic Service – Personnel Board
2. Administrative Policy Number 10-05 – Commission Structure and Appointment Procedures

# **ATTACHMENT 1**

**Application for Civic Service – Personnel Board**



## CITY OF MONTEREY PARK

320 West Newmark Ave  
Monterey Park, CA 91754  
(626) 307-1359  
[www.montereypark.ca.us](http://www.montereypark.ca.us)

CITY CLERK OFFICE

2015 NOV -5 A 10:37

### CITY OF MONTEREY PARK – Application for Civic Service City Commissions/Boards/Committees

The Monterey Park City Council seeks citizens to serve on duly constituted Boards, Commissions, and Committees to assist and advise City Council on specific assigned matters. No citizen may serve on more than one standing Board, Commission, or Committee at one time. Applications will be kept on file for one (1) year from the date received. For certain boards, annual residency verification is required in accordance to MPMC 2.82. This is a public document and is subject to disclosure. Please type or clearly print this application in full and submit to the City Clerk's Office.

Name CECILIA PEREZ ZUCMAN aka "Sheila"

Commission/Committee or Board on which you want to serve (You may list more than one)

- 1) Personnel Board 3)  
2) 4)

Home Address 1320 S. Atlantic Blvd. City Monterey Park.

Zip Code 91754 If resident of the City of Monterey Park, how long? 60 years

E-Mail Address Sheila.zucman@gmail.com Telephone 323-722-8733

Occupation Retired December 2014

Business Name

Business Address

Zip Code

Telephone

Have you ever been convicted of a felony? Yes ☐ No ☒

If so, please state the nature of offense, state and disposition on a separate sheet of paper. Convictions will not necessarily result in automatic disqualification. However, failure to give complete and accurate information may be grounds for rejection and/or removal from office.

Prior Community Involvement/Activities

Neighborhood Watch.  
Monterey Park Women's Club.

CITY OF MONTEREY PARK - Application for Civic Service  
City Commissions/Boards/Committees

Name Cecilia Perez Zucman

Provide a brief review of your background, qualifications, education and your interest in serving the City

High School Grad - Mexico  
AA degree (cum laude) East LA Community College  
Spanish Language Certificate UCLA  
Worked 30 years - Certified Court Interpreter - Spanish  
Wants to be good citizen

References: List two.

Name Connie Ortega

Address 1152 Wandering Dr Monterey Park

Telephone 323-266-6964

Name Mercedes Algorri

Address 1355 Highland Dr Monterey Park

Telephone 323-266-4927

I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents is true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of commission.

I further acknowledge that information contained in this application is a public record and may be subject to disclosure and I may be required to file a Statement of Economic Interests Form (Form 700)

Signature

*(Signature)*

Date

Nov 4, 2015

For office use only

I certified that proof of residency was verified in accordance to MPMC 2.82. I declare under penalty of perjury that the foregoing is true and correct.

Proof of residency: Name

Cecilia Perez Zucman

Government Issued ID

☒

Utility Bill

☐

Voter Registration

☐

Other

Signature

*(Signature)*

Date

11/5/2015

## **ATTACHMENT 2**

**Administrative Policy Number 10-05, Commission  
Structure and Appointment Procedures**

# City of Monterey Park Administrative Policy

Policy Number: 10-05


Issue Date: 11/12/97

Revised Date:

## Subject:

Commission Structures and  
Appointment Procedures

City Manager Approval



Page Number 1 of 11

### Purpose:

Commissions serve as advisory bodies to the City Council. Since committees are staffed by residents, they serve as representatives of the community's interests. They advise and assist in determining the overall goals of the community and make recommendations to the City Council. Commissions, Boards or Committees do not establish City or Administrative policies (with the exception of the Library Board of Trustees).

### Provisions:

This policy shall formally set the structure of the fourteen commissions and their appointment procedures. The structures and appointment procedures for the fourteen commissions vary based on their functions.

#### I. STRUCTURE

- A. The **Commission on Aging** is in the jurisdiction of the Recreation and Parks Department. This Commission consists of nine members who advise the City Council on problems and services related to senior citizens in Monterey Park. It also serves as a liaison with other agencies and commissions on matters relating to senior programs.
- B. The **Affirmative Action Advisory Committee** is under the jurisdiction of the City Manager. It is comprised of two protected group members who represent the community, one member who represents the City's employee associations, one protected group member representing the City's Community Relations Commissions, and a staff person assigned as the City's Affirmative Action Coordinator. The Committee's responsibilities include: advising and making recommendations to help monitor the progress of the City's good faith efforts in implementing its equal employment opportunity/affirmative action (EEO/AA) program, which include ideas for innovative outreach recruitment programs, special programs and activities to help the City achieve its EEO/AA goals, and assisting in disseminating information regarding the City's policy and program to the community.

- C. The **Art and Culture Commission** is under the jurisdiction of the Recreation and Parks Department. It consists of fifteen members who seek out, publicize, and support a wide variety of cultural activities in painting, music, dance, and theater. Their primary aim is to expand cultural opportunities for all Monterey Park residents. Up to five members of this Commission may be non-residents of Monterey Park.
- D. The **Community Relations Commission** is under the jurisdiction of the Economic Development Department. It is composed of eleven members who recommend programs to promote positive communication among all residents of Monterey Park to ensure that minority residents have every opportunity to participate in community affairs and avail themselves of community services. The Commission organizes programs that celebrate cultural diversity and foster harmony among ethnic groups. The Commission also makes reports and recommendations on programs and activities to prevent blight and deterioration of neighborhoods.
- E. The **Design Review Board** is under the jurisdiction of the Community Development Department. It consists of eleven members, four of whom must be professionals. The purpose of the Board is to ensure high quality design standards in building and development projects in order to conserve the value of buildings, to encourage the most appropriate use of land, and to maintain a proper relationship between the taxable value of real property and the cost of providing municipal services.
- F. The **Economic Development Advisory Committee** is under the jurisdiction of the Economic Development Department. This committee is composed of nine individuals. Four members shall be Monterey Park residents, three members shall be Monterey Park business persons and two shall be professionals (i.e. in the field of education, finance, real estate, law, or economics). At least one of the business persons shall be a representative of the Monterey Park Chamber of Commerce. The Committee's functions are to (1) monitor the implementation of the Economic Development Strategy Plan, (2) recommend updates of amendments to the Strategy Plan, (3) provide the City Council with annual reports on meeting economic and community development goals, (4) advise the City Council on the needs of local businesses and (5) identify the available economic development opportunities and resources.
- G. The **Historical Heritage Commission** is under the jurisdiction of the City Manager. It is comprised of nine members charged with increasing public awareness and appreciation of Monterey Park's history and heritage, to preserve memorabilia and records of the history of Monterey Park, and to maintain a written history of the City. The Commission also acts in an advisory capacity to the City Council on all matters pertaining to the City's history and heritage. City residence is not a requirement for Commission membership.

- H. The **Library Board of Trustees** is under the jurisdiction of the Bruggemeyer Memorial Library. The Board consists of five members and is governed by the California Education Code. The Board is an administrative body responsible for the effective delivery of library services to the community. It makes and enforces all rules, regulations, and all property belonging thereto, appoints, and prescribes the duties and powers of the City Librarian.
- I. The **Modification Committee** is under the jurisdiction of the Community Development Department. The five members consist of a practicing licensed architect, engineer, building contractor, electrician, and one member-at-large. The Committee meets on an as-needed basis to hear appeals or to make recommendations on materials and construction requirements of the City's building code. Members of this Committee must either be residents or have a business license in Monterey Park.
- J. The **Personnel Board** is under the jurisdiction of the Personnel and Risk Management Department. It is comprised of five members and is primarily concerned with keeping City employment free from favoritism and irregularities. The Board reviews recruitment and examination procedures, hears appeals to disciplinary actions, and makes recommendations regarding the City's civil service rules and regulations.
- K. The **Planning Commission** is under the jurisdiction of the Community Development Department. It is a quasi-judicial body consisting of five members who advise the Council on policies and legislation relating to the regulation of growth, development, and environmental conditions affecting the City. The Commission investigates and makes recommendations on zone changes, specific plan revisions, subdivision maps, and decides on zone variances and conditional use permits, subject to appeal to the City Council.
- L. The **Recreation and Park Commission** is under the jurisdiction of the Recreation and Park Department. The seven member Commission advises the Council on the administrative policies (fees, monies allocated, priority for park improvements, etc.) regarding the City's parks and recreational activities. They also coordinate the City's recreation programs with those offered by other governmental agencies and volunteer organizations.
- M. The **Traffic Commission** is under the jurisdiction of the Public Works Department, Engineering Division. It consists of seven members: four shall be appointed by the Mayor, subject to confirmation by the City Council. The term of office shall be three years. Three members shall be the following City staff members or their designees: City Engineer, Police Chief, and Public Works Maintenance Supervisor. The Commission reviews traffic issues and recommends any needed changes. Issues range from traffic safety matters to parking restrictions that may be the result of a citizen's request or a staff

recommendation. The Commission also makes recommendations to the City Council for installation of stop signs and amendments to the City's Code for traffic related items that may ease traffic congestion and help facilitate transportation throughout the City.

- B. The Youth Advisory Board is under the jurisdiction of the Economic Development Department. This seven member Board is composed of Monterey Park High School students. It also falls under the oversight of the Community Relations Commission and works closely with the Recreation and Parks Commission. The Board's goals include reviewing City youth programs, serving as a liaison between the City's youth and City government, promoting increased interest and participation among youth in community affairs, and fostering an increased understanding between diverse groups of youth. Members of the Board represent the schools Monterey park residents attend (three from the Alhambra School District, two from the Montebello Unified School District, and two from the community-at-large to accommodate students attending private schools).

## II. ADMINISTRATIVE PROCEDURES

### A. Eligibility Requirements -

Pursuant to Resolution No. 9976, adopted by the City Council on July 10, 1995, potential applicants should be adequately informed about the purpose, time commitment required, activities overseen and the goals and objectives of the commission, committee or board sought.

In order to effectuate this knowledge, understanding and acceptance, the applicant must interact with the commission, committee or board sought prior to being considered for appointment. It is therefore required that prior to any applicant being considered for appointment to a City commission, committee or board, the applicant must:

- (1) Attend a minimum of one full meeting of the commission, committee or board sought. In addition, the applicant must attend an orientation session with the Chairperson or staff liaison to the respective commission, committee or board.
- (2) The Chairperson or Vice Chairperson shall notify the City Council of all potential applicants that have completed both the orientation session and attendance to a regular meeting of the prospective commission, committee or board. The notification shall occur at least 10 days prior to the City Council meeting at which time appointments will be considered.

- (3) Applicants for the Modification Committee shall not be subject to the provision of attendance to a regular meeting.

B. Applications -

Any individual wishing to seek appointment to a commission, committee or board shall apply at the City Clerk's Office. All applications shall be deemed voided one year after the date of submission. The City Clerk's Office shall notify the applicant, in writing, of the need to renew their application at least 30 days prior to the date of expiration, if it is wished to be considered for appointment.

C. Appointments -

Commissioners are appointed by the Mayor, subject to the approval of the City Council. After selection, each commissioner is sworn in by the City Clerk and required to sign a loyalty of oath at the first available commission, board, or committee meeting. Commissioners are limited to two terms in office but serve until their respective successors are appointed. A term begins from the month of appointment. Terms of office for the various commissions, committees and boards are as follows:

- (1) One year terms - Youth Advisory Board.
- (2) Three year terms - Commission on Aging, Art and Culture Commission, Community Relations Commission, Economic Development Advisory Board, Historical Heritage Commission, Library Board of Trustees, Recreation and Parks Commission, and Traffic Commission.
- (3) Four year terms - Design Review Board, Modification Committee, Personnel Board, and Planning Commission.
- (4) Unlimited years terms - Affirmative Action Advisory Committee.

A one year waiting period is required following the expiration of the second consecutive term on any City commission, committee or board, regardless if the service was performed on different commissions, committees, or boards, before a person can be appointed to another board, committee or commission. The Municipal Code should be consulted for qualifications or requirements pertaining to a specific commission.

D. Attendance -

- (1) Members are expected to attend all scheduled meetings. The City Council wants the benefit of the full commission's judgement. Whenever possible, commissioners should notify their staff representative, the chairperson, or a person designated by the commission within twenty-four hours of a scheduled meeting if unable to attend a meeting.
- (2) Board, committee, and commission members shall be relieved of their responsibilities for lack of attendance (members of the Library Board, the Modification Committee, and the Economic Development Advisory Committee are not subject to this policy).

E. Residency -

- (1) Residency in Monterey Park is required for all members of commissions, boards, and committees except for the following: the Historical Heritage Commission and up to five members of the Arts & Culture Commission. The Modification Committee and the Economic Development Advisory Committee specify certain memberships may participate if they have business licenses in the City.

F. Removals or Resignations -

- (1) For commissions, boards, and committees that regularly meet once per month, members shall be dismissed after four absences (whether excused or unexcused) during the calendar year. For commissions, boards, and committees that regularly meet two times or more per month, members shall be dismissed after eight absences during the calendar year.
  - (2) After the third or seventh absence, whichever is applicable, the chairperson shall send a warning notice to the delinquent commissioner through registered mail. Upon the fourth or eighth absence, the Chairperson will notify the member and the Mayor of the member's termination (see Municipal Code 2.82.010).
  - (3) A commission member may be removed from office by a majority vote of the City Council, except for members of the Library Board of Trustees. Memberships are automatically terminated for absences as described in the prior section.
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- (4) In the event an individual is unable to perform as a commissioner for health, business, or personal reasons, the member shall submit a formal letter of resignation to the City Council for appropriate action. An active file of qualified commission applicants is maintained by the City Clerk's Office so that appointments can be made to appropriate commissions, when required, with minimal delay.

G. Meetings -

- (1) *Regular Meetings.* Commissions, except for the Modification Committee, the Affirmative Action Advisory Committee, and the Economic Development Advisory Committee, are required to meet at least once a month. If a regular meeting falls on a holiday, the regular meeting shall be held on the next business day. Ordinarily, if it is not possible to obtain a quorum on a regular meeting date, consideration should be given to rescheduling the meeting. Care should be given to notify the City Clerk, local newspapers, all persons interested in business before the Body, and the commission staff of changes in meeting dates.
- (2) *Adjourned Meetings.* A board, committee, or commission may adjourn any meeting to a time and place specified in the order of adjournment. An adjourned meeting is considered a regular meeting for purposes of transacting business.
- (3) *Special Meetings.* A special meeting may be called by the Chairperson or a majority of the members of a board or commission by delivering, either personally or by mail, notice to each member and to each newspaper which has requested such notice. The notice must be delivered at least twenty-four hours before the time of such meeting, as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No business other than as set forth in the notice shall be considered at such a meeting.

For purposes of Section F., absences from a special meeting shall be counted towards removal stipulations.

- (4) *Meeting Place.* Generally, meetings must be held in a public place within City limits. However, meetings may be adjourned to other locations for limited purposes pursuant to the California Brown Act.
  - (5) *Sub-committees.* All groups are encouraged to utilize sub-committees of less than a majority of its entire membership to conduct precise studies and develop recommendations for consideration of the entire group.
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H. Quorums -

- (1) A quorum is essential in conducting business. A majority of the authorized members of a body constitutes a quorum. If a quorum is not present, the meeting may be adjourned by the members who are present. If no members are present, the meeting may be adjourned by the staff.

I. Conduct of Meetings -

- (1) Commissions annually appoint one of their members as Chairperson for one year or until a successor is appointed. Subject to the review and approval of the City Council, the commission may establish such rules and regulations as it deems necessary for its government and for the stable performance of its duties. Rules and regulations beyond those found in the establishing resolutions or codes shall be kept on file in the office of the City Clerk where they shall be made available for public inspection.
- (2) The methods used in conducting a meeting are largely the responsibility of the Chairperson. It is the Chairperson's responsibility to see that (1) consideration of items on the agenda move along without delay in a businesslike manner, but with reasonable time allotted to each; (2) that petitioners and proponents are heard but not permitted to prolong the meeting; that any policies or rules prescribed by the City Council are observed; and, (3) that all actions are according to proper procedure.

J. Agenda Procedure -

- (1) One or more administrative staff members may be assigned to each board or commission. Items should be submitted to the staff at least five working days before the meeting in order to ensure their placement on the agenda. Some items may require more than five days notice to satisfy specific noticing requirements.

K. Minutes -

Minutes are to be taken of each meeting in accordance with the following requirements and regulations:

- (1) Minutes shall contain a record of all proceedings, motions, and actions (including a statement of your reasons for a "no" vote).
  - (2) Unless specifically provided by Council policy, minutes shall not be a verbatim recording.
-

- (3) All motions, whether passed or denied, shall be recorded with name of proposer, second, and roll call vote.
- (4) Reports shall be summarized or mentioned as being presented or voted upon. A copy is to be filed with the appropriate official.
- (5) Minutes of hearings shall list all persons who speak for or against the issue.
- (6) Minutes are merely a record of transactions. Personal opinions may not be entered.
- (7) Minutes must be approved by a majority vote of the members and shall be considered an official record.
- (8) Amendments and corrections of the minutes submitted to the secretary may be made only in public meetings with the approval of the body and not by the private request of individual members.

In some cases, a Minutes Secretary may be assigned by the staffing department. Otherwise, a Commissioner should be selected to take minutes.

L. Communications to the City Council -

- (1) Commissions may feel free to request the services of the assigned staff in composing, typing, and processing correspondence or any materials relating to their oversight to go before the City Council. It should be specified whether the item is for information only or requires action. The deadline for placing an item on the City Council agenda is 12:00 noon, on the Friday ten days before the City Council meeting. The process is as follows:
- (2) No later than 12:00 noon, Wednesday (twelve days prior to the Council Meeting) the item is transmitted to the City Manager with one copy of the agenda transmittal on which is typed a brief description of the item.
- (3) The City Manager reviews it and may add his comments and recommendations under a footnote or by separate memorandum.
- (4) The agenda is then typed, printed and collated with all exhibits. Action items are placed on the City Council agenda, and information items are forwarded in the City Council's information packets.

- (5) The entire agenda and informational material are due in the City Manager's Office by 12:00 noon, Wednesday, and will then be delivered to the City Council, allowing them enough time to study the material for their meeting.
- (6) It is considered an excellent practice for at least one member of a committee, board, or commission to attend all Council meetings regardless of whether the commission has an item on the agenda. The Council encourages commissions to appoint a member to serve as council liaison to keep the other commissioners informed on City activities.
- (7) If the commission has an item on the agenda and no commissioner is present, the staff will attempt to explain the commission's intent but will not necessarily defend its position.

M. Conflict of Interest -

The State of California, by statute, follows the common law rule that it is against public policy for a representative of a municipality to vote on any matter which affects him/her individually, or for any public officer to participate in the matter before him/her in which he/she has a personal or private economic interest. An official has an economic conflict of interest when the public action/decision will have a material financial effect, distinguishable from its effect on the public generally, on the following:

- (1) Any business in which the official has a direct or indirect worth of \$1,000, or more;
- (2) Any real property in which the official has a direct or indirect interest worth of \$1,000, or more;
- (3) Any source of income or loans or gifts (but excluding gifts from relatives, and loans by a commercial lending institution on terms available to the general public) totaling \$250 or more, either given or promised to the public official within twelve months prior to the public action or decision;
- (4) Any business in which the public official is a director, officer, partner, trustee, holds any position of management, or employee.
- (5) An indirect investment includes any interest owned by the public official's spouse, dependent children, an agent on the official's behalf, any business or trust in which the official, the official's spouse, or dependent children own a 10% interest or greater.

- (6) Violations of the Conflict of Interest rules may result in forfeiture of office, civil and/or criminal penalties, and prohibition from running for public office, or from acting as a lobbyist for four years.
- (7) When matters come before a commission in which individual members have a direct or indirect financial interest, the member must disqualify himself/herself from participating in the deliberation and must abstain from voting. The member should explain why he or she is abstaining. If the member does not volunteer this information, the Chairperson should ask for the reason. If no explanation is given, the minutes should state that the member declined to give a reason for abstaining.
- (8) Under the limited doctrine of necessity, the member with the statutory conflict of interest may participate in the matter. However, in such a case, the public official must disclose for the public record his or her economic interest before participating. Also, no conflict of interest exists where the public action or decision will affect a public official as a member of an industry, profession, or occupation, and the official will be affected no more than other members of those groups.
- (9) If there is any doubt as to whether to abstain, please contact the City Attorney for further guidance.

N. Disclosure of Economic Interests -

- (1) Pursuant to the City's Conflict of Interest Agency Code, members of the following committees and commissions are required to file an annual Statement of Economic Interests: Design Review Board, Library Board of Trustees, Modification Committee, Personnel Board, Planning Commission, and Traffic Commission. The filed statements become public record and are available for inspection, on demand, at the City Clerk's Office.
  - (2) Planning Commissioners *only* are required to file within ten days of assuming office with the City Clerk's Office. All other designated board members or commissioners must file within thirty days of assuming office with the City Clerk's Office. All subsequent statements must be filed on or before April 1 of each year. Designated Commissioners must also file a statement within thirty days after leaving office.
  - (3) Forms and instructions are available in the City Clerk's Office. The City Attorney will answer any questions that you may have on the filing of said statements or on the propriety of legality of action.
-